

### III. Remarks

#### A. Amendments to the Specification

Paragraph 19 has been amended to clarify that in one embodiment, the first interlayer dielectric layer is reduced to its predetermined thickness after deposition thereof. Support for this amendment can be found at, for example, Claims 10 and 24.

Paragraph 20 of the Specification has been amended to correct “.ANG.” to be “Å”.

#### B. Amendments to the Claims

Claims 2 and 3 have been amended to correct grammatical mistakes.

Claim 4 has been amended to delete the recitation of  $\text{Si}(\text{CH}_3)_4$ . This amendment is made without prejudice to better conform the claim to the inventor declarations submitted with this response.

Claims 7-9 and 11-12 have been amended to correct grammatical mistakes.

Withdrawn Claims 14-23 have been canceled.

Claim 26 has been amended to correct a spelling error.

#### C. Rejection under 35 U.S.C. §103

##### 1. Claims 1-2, 6-8, 10-11 and 13

The Action rejects Claims 1-2, 6-8, 10-11 and 13 as being obvious from U.S. Patent No. 6,444,568 to Sundararajan et al. in view of U.S. Published Application No. 2004/0203176 to Zhao et al.

Zhao et al. is prior art to the present application under § 102(e), being a publication that published after the filing date of the present application, November 19, 2003, based on an application filed before the present application on April 9, 2003.

The Applicants reduced the invention claimed at least in Claims 1-5, 7-8, 10-11, 13, 24 and 25 to practice before the effective filing date of Zhao et al. as set forth in the enclosed Inventor Declarations Under 37 CFR 1.131.

Because the Applicants reduced the claimed invention of Claims 1-2, 7-8, 10-11 and 13 to practice before the effective filing date of Zhao et al., Zhao et al. is not prior art to these

claims. Claim 6 has been canceled. Reconsideration and withdrawal of the rejection of these claims in view of the prior reduction to practice are respectfully requested.

2. Claims 9 and 12

The Action rejects Claims 9 and 12 as being unpatentable over Sundararajan et al. and Zhao et al. in further view of U.S. Published Patent Application 2004/0130035 to Wu et al (U.S. Patent Application Serial No. 10/716,818).

**The present application (Serial No. 10/716,818) and U.S. Patent Application Serial No. 10/337,684 to Wu et al. were, at the time the invention of the present application was made, commonly owned by Taiwan Semiconductor Manufacturing Co., Ltd.**

Wu et al., therefore, is not prior art to the present application. Reconsideration and withdrawal of the rejection of Claims 9 and 12 are respectfully requested.

3. Claims 3-5 and 24-25

The Action rejects Claims 3-5 and 24-25 as being unpatentable over Sundararajan et al. in view of Zhao et al. in further view of U.S. Patent No. 6,551,893 to Zheng et al. or in view of U.S. Published Application No. 2002/0016085 to Huang et al.

As stated above, the Applicants reduced the invention claimed in Claims 3-5 and 24-25 to practice before the effective filing date of Zhao et al. as set forth in the enclosed Inventor Declarations Under 37 CFR 1.131.

Because the Applicants reduced the claimed invention of Claims 3-5 and 24-25 to practice before the effective filing date of Zhao et al., Zhao et al. is not prior art to these claims. Reconsideration and withdrawal of the rejection in view of the prior reduction to practice are respectfully requested.

4. Claim 26

The Action rejects Claim 26 as being unpatentable over Sundararajan et al. and Zhao et al. in view of Zheng et al. or Huang et al. in further view of U.S. Published Patent Application 2004/0130035 to Wu et al. (U.S. Patent Application Serial No. 10/337,684).

**The present application (Serial No. 10/716,818) and U.S. Patent Application Serial No. 10/337,684 to Wu et al. were, at the time the invention of the present application was made, commonly owned by Taiwan Semiconductor Manufacturing Co., Ltd.**

Wu et al., therefore, is not prior art to the present application. Reconsideration and withdrawal of the rejection of Claims 9 and 12 are respectfully requested.

**IV. Conclusion**

In view of the foregoing remarks and amendments, Applicant(s) submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

Dated: 1-9-06

  
Joseph A. Powers, Reg. No.: 47,006  
Attorney For Applicant(s)

DUANE MORRIS LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, Pennsylvania 19103-4196  
(215) 979-1842 (Telephone)  
(215) 979-1020 (Fax)